

CITY COUNCIL MEETING

Tuesday, July 14, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, July 14, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Long, Grove, Altringer, Evans, Patterson

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Long, Seconded by Altringer; the Agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

APPROVAL OF CONSENT AGENDA

A. Minutes from the June 23, 2009 Council Meeting B. 28 E Agreement Grimes/Johnston Fire and Rescue Services C. Contract for Notice to Proceed for the SE Capitol Circle PCC Paving-Grade & Replace D. Alcohol License renewal - Kum & Go #141, 1950 Princeton Dr. Class C Beer Permit with carryout wine and Sunday Sales E. Holiday benefits for Paid-on-Call Firefighters F. Approval of Grimes Delinquent Accounts Write Off for June 2009 G. Change Order 1 for Destination Drive Paving decreasing by - \$19,788.13 H. Pay Request No. 8 for Destination Drive Paving to Sternquist Construction in the amount of \$47,464.76 I. Final Acceptance of Destination Drive Paving Project J. Pay Request No. 9 for Destination Drive Paying to Sternquist Construction for retainage to be paid in 30 days in the amount of \$5,000 K. Proposed Development Agreement with Walmart for the extension and looping of the water main. City funds to be paid out of water capital funds. L. Set Public Hearing on the proposed plans, specifications, form of contract and estimate of cost for the Grimes Community Complex 2009 HVAC Renovation for August 11, 2009 M. Quik Trip request for reimbursement for certain improvements to site plan. N. Buying and installing of thumbs on existing Deere 410G loader backhoe from Murphy Tractor and Equipment Company O. Set Public Hearing on the proposed plans, specifications, form of contract and estimate of cost for the Water System Standpipe Painting Grimes, Iowa – August 11, 2009 P. Finance Report for June 2009 – and Fiscal Year End 2009 Q. Claims dated 6/29/09 in the amount of \$79,715, claims dated 6/29/08 in the amount of \$128,358.34, claims dated 6/30/09 in the amount of \$49,793.01, claims reports dated 7/01/09 in the amounts of \$21,531.33 and \$26,393.12 and claims date 7/15/09 in the amount of \$582,391.02 R. Salary Increases for Administrative Personnel: Park & Recreation Director B Barber - \$44,879. Building Inspector S Clyce - \$43,249. Administrative Asst. O DeYoung - \$39,616. Asst Public Works Dir K Kestel - \$59,535. Administrative Services J Macke - \$37,947. Public Works Director J McAreavy - \$62,000. City Administrator K Brown \$95,900. Building Inspector P Stout - \$39,400. Utility Billing D Sigler - \$37,535. City Clerk R Williams - \$45,862. S. Resolution # 07-0209 providing for the acceptance of certain public projects for the sole benefit of showing they are complete for the purposes of an Agreement between Knapp Properties and Walmart – Destination Drive, East 1st Street and Signalization at East 1st Street and Destination Drive.

Moved by Long, Seconded by Patterson; the consent agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

Jun-09

Funds	Beg Balance	Receipts	Expenses	Ending Balance
General Fund	2,338,635.56	488,998.10	502,857.48	2,324,776.18
Special Revenue Fund	1,008,251.35	0.00	0.00	586,190.05
Debt Service	2,323,638.98	7,839.80	1,047,489.79	1,283,988.99
Capital Improvements	-742,874.26	-10,360.00	221,894.53	-975,128.79
Enterprise Fund	2,814,077.81	250,251.53	817,698.02	2,246,631.32
Total	7,741,729.44	736,729.43	2,589,939.82	5,466,457.75

FIRE CHIEF REPORT

Fire Chief Krohse was not available due to a call out for EMS.

POLICE REPORT

Deputy Johns was present to address any questions from the Council. The Council had not questions at this time.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

A. Public Hearing on the proposed plans, specifications and form of contract and estimate of cost for the E. 1st Street Roadway Lighting Project.

Mayor Armstrong opened the Public Hearing at 5:35 p.m. Mayor Armstrong asked if anyone in the audience wished to address the Council. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 5:35 p.m.

B. Award Contract on the E. 1st Street Roadway Light Project to A & W Electrical Contractors 5372 N W 111th Dr. Suite B, Grimes, Iowa in the amount of \$184,000

City Engineer, John Gade advised that bids were received on July 8, 2009 for the E 1st Street Roadway Lighting Improvements project. The work consisted of lighting approximately \$2,500 feet of roadway just to the east of Hwy 141 with new concrete poles and luminaries located on both sides of the street, a new lighting control cabinet, new conduits and conductors, and miscellaneous associated work. Gade stated that the City received 4 bids on the project ranging from \$238,000 to \$184,100. The low bid was \$184,100 from A & W Electrical Contractors, Inc, 5372 NW 111th Dr. Suite B, Grimes, Iowa. Gade went on to state that the lighting supplier has proposed a deduct in the amount of \$22,000 for the material costs associated with the light system and A & W Electrical have agreed to pass these savings on to the City in the form of a change order.

Moved by Patterson, Seconded by Evans; the E 1st Street Roadway Lighting Project to A & W Electrical Contractors, 5372 NW 111th Dr. Suite B, Grimes, Iowa in the amount of \$184,100 shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

C. Second Reading of Ordinance #576 Amending the Grimes Code of Ordinance Chapter 47 Park Regulations, 50 Nuisance Abatement Procedure and 55 Animal Protection and Control to Add Language for the Disposal of Pet Waste

Moved by Long Seconded by Grove; the Second Reading of Ordinance 576 amending the Grimes Code of Ordinance Chapter 47 Park Regulations, 50 Nuisance Abatement Procedure and 55 Animal Protection and Control to add language for the disposal of pet waste shall now pass.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

Moved by Grove; Seconded by Long; the Third Reading of Ordinance #576 shall now be waived.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

Moved by Grove, Seconded by Long; Ordinance #576 shall now pass.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

D. MWA Cart Exchange & Replacement Policy & Procedures

The Council received correspondence from Metro Waste Authority (MWA) regarding the policy and procedures for cart replacement as these costs will be deducted from Curb- It revenues to the City or they could be passed on to the consumer. Mayor Armstrong suggested that the City review the impact of cart replacements at the end of the year and then evaluate the procedure and impact on an annual basis. Council Member Grove asked that since a work order would be generated by MWA by address, the City request this information which would outline costs that were forwarded on to the City.

E. PUBLIC FORUM

No one signed up to address the Council.

COUNCIL DISCUSSIONS.

1. Mayor's Report

Mayor Armstrong had nothing new to report.

2. City Attorney's Report

City Attorney Tom Henderson had nothing new to report. Council Member Grove asked about looking into a schedule of fines that could be given to Polk County for municipal infractions. Attorney Henderson advised that he would check into this and report back.

3. City Engineer's Report

City Engineer Gade stated that work was beginning on the Capital Loop Project. Council Member Grove asked how the staging would be handled for the Hwy 44 Project as he had some concerns regarding alternate routes that would be used by traffic. Gade advised that once the project is all approved by the IDOT, those issues will be addressed.

4. City Staff Report

City Administrator Kelley Brown had nothing new to report.

5. Old Business

Council Member Long stated that he felt that the 28E Agreement between the City of Johnston and City of Grimes for EMS Services had been very successful for both communities. Council Member Grove asked about having the zoning reviewed along the Hwy 44 corridor. City Staff will look into this zoning change.

6. New Business

Mayor Armstrong advised that a Des Moines Metropolitan Planning Organization meeting would be held at the Grimes Library on July 15, 2009 at 6:00 p.m. to discuss a long range transportation plan. Mayor Armstrong advised that the public is invited and that the Des Moines MPO is looking for input from the public.

7 Recess Open Session

Mayor Armstrong advised that the Council would recess and go into Council Workshop.

8. Workshop – SE 37th Street Project

Mayor Armstrong advised that the purpose of the workshop was to review the options for repairs to SE 37th Street and turned over the discussion to City Engineer Gade. Gade stated the issues facing this roadway and provided pictures of the existing roadway. Gade stated that currently 28% of the road needs to be patched. He stated that patching this does not take care of the issues with the sub grade. Gade gave an overview of four options for this roadway. Option 1 would be patching only with 8 inches of HMA, re shouldering the road along with fixing the railroad crossing. Option 1 would leave the roadway open by using flaggers and would take one to two weeks. Gade advised this improvement would last approximately one to two years. Option 2 would be patching along with a three inch overlay over the length of the project with some sub-base work in needed areas along with shoulder work to aide in drainage and the railroad crossing. This project would take one to two weeks and last approximately two to three years. Option 3 would be called “cold in place recycling.” This process requires specialized equipment that mills up the existing roadway and then lays it right back down, and fixing the railroad. Gade advised that this method is very quick and would give a life expectancy of five to six years. Option 4 would be to do a complete redo of the roadway replacing it as it is and fixing the railroad. The road would be shut down so a detour would to be established. This would last 20 to 25 years but would not address the increase in traffic. Gade advised that all of these projects would be subject to assessment. Gade advised that Option 1 would be \$460,000, Option 2 would 580,000, Option 3 would be \$850,000 and Option 4 without an alternate route included would be \$1,000,000. Gade advised that all these numbers included fixing the railroad which would be around \$150,000 in each option. Gade stated that Option 5 would be to do the original full build out of the roadway at a cost of 2.4 million. Council Member Patterson asked if each step of the repair could be assessed and legal council advised that it could be. Gade stated that the railroad would do their own work on this roadway and have the City pay for it. The City would then turn around and assess all the costs back to the property owners along SE 37th Street, which included the railroad. Council Member Altringer asked about having an Option 6 which would be fixing the railroad only since this seemed to be major hazard.

Moved by Long, Seconded by Patterson; the Workshop shall be adjourned at 6:36 p.m.

9. Reconvene Open Session

Mayor Armstrong reconvened to Open Session at 6:46 p.m.

10. Resolution # 07-0109 providing for CLOSED SESSION pursuant to Iowa Code 21.5 (1) c Potential Matters in Litigation

Moved by Grove, Seconded by Evans; Resolution #07-0109 providing for Closed Session pursuant to Iowa Code 21.5 (1) c Potential Matters in Litigation shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

11. Rise from Closed Session

Moved by Patterson, Seconded by Long; rise from Closed Session at 7:20 p.m.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

12. Reconvene Open Session

Moved by Evans, Seconded by Grove; Open Session shall be reconvened.

Roll call: Ayes: All Nays: None. Motion passes: 5-0.

13. New Business cont – action on matters from Closed Session

Moved by Grove, Seconded by Long; the City Attorney shall be directed to move forward with the settlement agreement that was discussed in Closed Session.

Roll call: Ayes: All. Nays: None. Motion passes: 5-0.

Mayor Armstrong opened up discussion concerning SE 37th Street Project and asked for any comment from the business owners or their representatives along this roadway. Dan Manning of Conley Law Firm, representing business owners on the north side of SE 37th Street addressed the Council. Manning advised that in the audience was Steve Moyna of Grimes Asphalt who was very knowledgeable in road construction. Moyna addressed the Council. He stated that he felt that the patching that would be done in Option 1 and 2 would last considerably longer than 1 to 2 years. Moyna advised that once the patches are done correctly they do last longer. Moyna stated that he thought that work on the 4 foot shoulders was an excellent idea as that is a key component in the stress of the road by capturing rain water. Attorney Jim Wine of Nyemaster Law Firm, representing the business owners on the South side of SE 37th Street addressed the Council. Wine advised that the business owners that he represented were opposed to the complete reconstruction of the road at this time. He stated that they recognized that the City was interested in fixing this roadway for the long term, but with these business owners being involved in the construction industry and the stresses in the economy, did not feel the need for it at this time, but did understand the City's position. Wine went on to say that his clients felt that the extensive patching and fixing of the shoulders which was in option 1 seemed to be the most affordable to his clients at this time. Wine stated that his clients hoped that this option would last longer than the one to two year time frame. Wine did state that in fairness to his clients, several of them were interested in Option 2 and several in favor of doing only the bare minimum to this roadway at this time as Council Member Altringer had suggested. Wine stated that the majority of his clients supported Option 1. Tim Harmeier of Beisser Lumber addressed the Council. Harmeier stated that Attorney Wine represented Beisser Lumber but that he wanted to state again that they supported the least expensive option. Harmeier stated that they supported Council Members Altringer with fixing the railroad crossing along with work on the shoulders and felt this would add to the life of the road. Harmeier questioned the costs provided by City Attorney Gade for the railroad work and advised that they felt the costs would be considerably less. Harmeier stated the Mr. Beisser would be calling the railroad to see if there is anything that can be done as Beisser Lumber is a major user of the railroad. Harmeier asked if the City went with Option 1 and fixed the railroad crossing would this be assessed at a different rate. Harmeier went on to state that the current plan is improving the railroad crossing for a 5 lane road and he stated that that was not what his business owners needed. He asked if a different percentage of assessment would be applied to the railroad crossing than the patching portion of the project. Brian Bueth

representing the Grimes Chamber and Economic Development address the Council. Buethe stated that this issue was discussed at the last Economic Development meeting last Friday. Buethe stated that the outcome of this meeting was the general consensus was that SE 37th Street is in disrepair and that any improvement to this road would be beneficial to new business and future growth of the area. He stated that this was not a statement on how other roads should be financed but that a growing community has extraordinary infrastructure demands that have to be addressed. He stated that addressing this roadway and others in the community were beneficial to economic development of Grimes.

Mayor Armstrong asked if anyone else would like to address the Council and there were no other responses. Council Member Evans asked City Administrator Brown about other correspondence that been received regarding this project. Brown stated that she received several letters from the property owners on the west side of 54th Street which stated that when this roadway was improved that they were assessed 100% of the cost and urged the Council to proceed with this improvement. Mayor Armstrong asked the Council if there was a general direction the Council would like to take or would they like to consider a motion to defer proceedings on the SE 37th Street Project. Mayor Armstrong reminded the Council that it has been about 8 years of trying to work this current 2.4 million dollar project into the Capital Improvement Plan and if this were taken out now, it could be a long time before it was put back in due to the large dollar amount. Council Member Long asked City Engineer Gade to speak to the statement made by the business owners that the patching could last longer than the 1 to 2 years stated by Gade. Gade stated that his number reflected a one to two year time frame, but it was an uncertainty. Council Member Patterson asked Gade to look at the overall costs on each of the Options. Council Member Patterson stated that Option 5 was a full million dollars less than any of the other options and every step in each of the options was assessable. Council Member Grove agreed except that Option 5 was the cheapest option in the long run but the most expensive up front. He stated that this discussion was about the upfront costs. Council Member Grove stated that even though it may be costly to wait, due to increase costs, there may be an increase in the taxable evaluation in the City over time and the capabilities of the City could increase to raise the funds for a project like this. He state that Option 5 would be a layout of 2.4 million dollars that would be assessed and the City would be laying out money for this project in 18 months. Council Member Altringer clarified, that if the City only does the railroad option, this would be done to the standard for a future 5 lane road and would not have to be redone at a later time. Altringer went on to state that the railroad crossing seemed to be the biggest hazard on this roadway. Altringer clarified that her option of fixing only the railroad, would not include fixing the shoulders, as was stated earlier in the meeting. Council Member Patterson asked for the time frames on the assessment coming due on each Option. Mayor Armstrong stated that all the options except Option 5 would see assessments almost a full year sooner than Option 5, the full reconstruction. Mayor Armstrong asked to review where the patching needed to be done on this roadway. Council Member Patterson stated that he still leaned towards Option 5 with a back up of Option 6 doing only the minimum. He stated that he felt it was the more financially responsible way to go.

14. Council consideration and potential action to reconsider motion to defer proceedings on the SE 37th Street Project

Moved by Patterson, Seconded by Long; reconsider potential action on the deferred proceedings on the SE 37th Street Project.

Roll call: Ayes: Patterson, Long, Altringer, Evans Nays: Grove. Motion passes: 4-1.

Mayor Armstrong asked the public in attendance again as to whether they thought anything needed to be done to the roadway. Attorney Dan Manning representing the north side property owners stated yes. He went on to state that answering yes did not mean they wanted to go forward with Option 5. Manning asked to point out that a good faith effort was being made by all

parties and that a three to five year deferral on the entire project would hopefully get these businesses out of the current economic condition. Manning stated that Option 1 and 2 were reasonable options for the business owners and the City. Attorney Jim Wine addressed the Council and stated that the business owners that he represented on the south side did not need or want the full 2.4 million dollar improvement. He did go on to state that the property owners would support some patching along this road and then possible reconsideration of the entire project in the next three to four years. Wine stated that there were several options that would work to get through this time frame.

Council Member Grove pointed out that if we do not do this project at this time, and only do the patching, the City is delaying the payments, as this road will have to be fixed at some point. Council Member Patterson voiced concerns as to when this could be placed on the CIP again.

A. Resolution 06-0309 Approving Preliminary Resolution Pursuant to Section 384.42 of the Iowa Code covering the SE 37th Street Improvement Project. This resolution just directs the City Engineer to draft the plans and specifications.

Moved Patterson, Seconded by Long; Resolution 06-0309 Preliminary Resolution Pursuant to Section 384.42 of the Iowa Code covering the SE 37th Street Improvement Project shall be approved.

Roll call: Ayes: Patterson, Long, Altringer, Evans Nays: Grove. Motion passes: 4-1.

B. Resolution 06-0409 Approving and Adopting Preliminary Plans and Specifications, Estimate of Cost and Plat and Schedule. These were the plans and specifications for option 5. Council Member Patterson was emphatic that Option 5 was the best option for the overall cost burden to the tax payers in Grimes and felt it was necessary and prudent to complete this project at this time. Council Member Long and Evans agreed; however, Evans said that she also empathized with the position the property owners are in at this time with the economy and that a delay in the project could give the economy the time to strengthen before the project and assessment was complete.

Moved by Patterson, Seconded by Long; Resolution 06-0409 approving and adopting preliminary plans and specifications, estimate of cost and plat and schedule.

Roll call: Ayes: Patterson Long Nays: Evans, Altringer, Grove. Motion fails 2-3

Mayor Armstrong asked for direction by the Council to give City Engineer Gade to move forward with this project. The consensus from the Council was to move forward with Option 2. Gade asked for direction as to whether this would be an assessment project and the Council advised that it would be. The Council then directed Gade to prepare numbers for the assessment with the full cost of the railroad crossing and to do the shortened assessment district at 100% assessment to the affected property owners.

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, meeting is adjourned at 8:25 p.m.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor